

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
NEWNAN DIVISION

FLOYD JACKSON,

Plaintiff

v.

COWETA COUNTY
GOVERNMENT, COWETA
COUNTY SHERIFF'S OFFICE,

Defendants.

CIVIL CASE NO.
3:09-CV-76-JTC

ORDER

This matter is currently before the Court on Plaintiff's motion for leave to amend his complaint [# 12] and Defendants' motion to dismiss [# 15]. Plaintiff in this suit seeks to amend his complaint to make Coweta County, Georgia and Mike Yeager, individually and in his official capacity as Sheriff of Coweta County, Georgia the Defendants in this suit. Defendants do not object to the changes Plaintiff requests. Defendants point out, however, that Plaintiff may not maintain an action against Sheriff Yeager in his individual capacity under the Americans with Disabilities Act, 42 U.S.C. § 12111, et seq. (Defs.' Resp. at 2, 3.) For the reasons discussed below, Plaintiff's motion for leave to amend his complaint [# 12] is **GRANTED in part** and **DENIED in part**. Defendants' motion to dismiss [# 15] is **DENIED as moot**.

Plaintiff seeks to bring an action against Sheriff Mike Yeager, in his

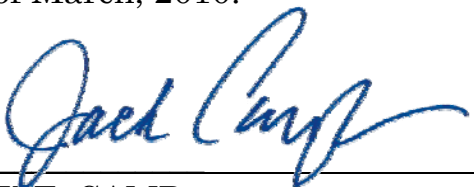
individual capacity, for violating the ADA. An employer may be liable under the ADA, but an individual cannot be liable under the ADA. Mason v. Stallings, 82 F.3d 1007, 1009 (11th Cir. 1996); Rylee v. Chapman, 316 Fed. App'x 901, 905 (11th Cir. 2009). Accordingly, Plaintiff may not amend his suit to bring an action against Sheriff Mike Yeager in his individual capacity.

Defendants do not object to remainder of Plaintiff's motion to amend his Complaint. The Court will permit him to make the other changes he requests. Therefore, Plaintiff's motion to amend his complaint [# 12] is **GRANTED in part** and **DENIED in part**.

Defendants have filed a motion to dismiss. [# 15]. Plaintiff's amended complaint will supercede his original complaint, and for that reason Defendants' motion to dismiss the complaint is **DENIED as moot**.

For the reasons discussed above, Plaintiff's motion for leave to amend his complaint [# 12] is **GRANTED in part** and **DENIED in part**. Defendants' motion to dismiss [# 15] is **DENIED as moot**.

SO ORDERED, this 17th day of March, 2010.



JACK T. CAMP
UNITED STATES DISTRICT JUDGE